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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:)	Group Art Unit: 1614
)	
ST. CROIX et al.)	Examiner: C. Yaen
)	
Serial No.: 09/918,715)	
)	Docket No. 001107.00134
Filed: August 1, 2001)	
)	
For: ENDOTHELIAL CELL EXPRESSION)	
PATTERNS)	

SUBMISSION OF NEW EVIDENCE UNDER 37 C.F.R. §1.195

U.S. Patent and Trademark Office
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Arlington, VA 22202

Dear Sir:

This paper is filed in response to the communication mailed March 19, 2004. We believe no fee is due in connection with this paper. If a fee is due, please charge our Deposit Account No. 19-0733.

Remarks

Applicant requests entry of appendices 1-3 and the Declaration of Kenneth W. Kinzler. Each of these is submitted in support of the amendment after final rejection which is being submitted concurrently. The appendices are as follows:

- Alberts et al., *The Molecular Biology of the Cell*, pp. 343-344, Garland Publishing, Inc., New York, 1983
- <http://www.cytochemistry.net/cell-biology/rer2.htm>
- Walter and Blobel, *Proc. Natl. Acad. Sci. USA*, vol. 77, pp. 7112-7116, 1980

Appendices 1-3 are provided to demonstrate that a sequence which is disclosed as being a signal sequence would not be expected by one of ordinary skill in the art to form part of a mature protein. This fact was previously argued, but the PTO was not persuaded. Therefore, evidence to support the fact is being submitted at this time. Evidence was not submitted earlier because it was believed to be a well known fact that did not require proof.

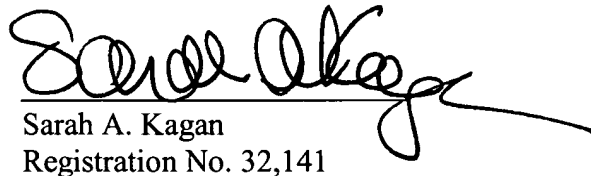
The declaration was not submitted earlier because applicants believed that the PTO had not shifted the burden of proof to applicants to demonstrate utility. Applicants believed that other evidence previously submitted would be persuasive. Nonetheless, in an effort to advance prosecution, applicants submit this declaration as demonstrative of utility of the claimed invention.

Applicant respectfully requests that these exhibits be entered and considered on their merits in support of the patentability of the claims.

Respectfully submitted,

Dated: August 18, 2004

By:


Sarah A. Kagan
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